

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

CONSUMER FINANCIAL PROTECTION
BUREAU, et al.,

Plaintiffs,

v.

Case No.: 5:21-cv-00016-EKD-JCH

NEXUS SERVICES, INC., et al.,

Defendants.

**DECLARATION OF HAI BINH T. NGUYEN IN SUPPORT OF PLAINTIFFS'
MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION TO STAY
EXECUTION OF JUDGMENT**

I, Hai Binh T. Nguyen, declare as follows:

1. I am employed by plaintiff Consumer Financial Protection Bureau (Bureau) as a Senior Litigation Counsel in the Office of Enforcement, and I am counsel of record for the Bureau in this case. I have personal knowledge of the facts stated herein, and if called as a witness, I would testify competently thereto.

2. I file this Declaration in support of Plaintiffs' Memorandum in Opposition to Defendants' Motion to Stay Execution of Judgment.

3. Attached to this declaration as **Exhibit 1** is an e-mail exchange between the parties and the Court on August 15, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 25, 2024

/s/ *Hai Binh T. Nguyen*

Hai Binh T. Nguyen
Senior Litigation Counsel
Attorney for Plaintiff Consumer Financial
Protection Bureau

Exhibit 1

From: [Zachary Lawrence](#)
To: [Elizabeth Dillon](#)
Cc: [Sherman, Lee \(CFPB\)](#); [Nguyen, Hai Binh \(CFPB\)](#); [Hartmann, Leanne \(CFPB\)](#); [JScott@oag.state.va.us](#); [Franklin.Romeo@ag.ny.gov](#); [jonathan.burke@mass.gov](#); [amina@aminalaw.com](#); [Miriam Cole](#); [Kelly Anglim](#); [Matt Kaminer](#)
Subject: Re: Activity in Case 5:21-cv-00016-EKD-JCH Consumer Financial Protection Bureau et al v. Nexus Services, Inc. et al Stipulation
Date: Tuesday, August 15, 2023 11:08:58 AM
Attachments: [image001.png](#)

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Judge Dillon,

Yes. The Defendant's do not believe that a hearing is necessary.

Best,

Zachary Lawrence

Lawrence Law Firm PLLC

166 Five Acres Ln
Cold Brook, NY 13324

Tel:(845)633-6518

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On Tue, Aug 15, 2023 at 2:06 PM Elizabeth Dillon <Elizabeth_Dillon@vawd.uscourts.gov> wrote:

Mr. Lawrence,

You represent defendants, so am I correct that you are stating that defendants do not believe a hearing on the matter is necessary to determine damages?

Thanks,

Elizabeth Dillon

From: Zachary Lawrence <zach@zlawpllc.com>
Sent: Tuesday, August 15, 2023 1:30 PM
To: Elizabeth Dillon <Elizabeth_Dillon@vawd.uscourts.gov>
Cc: Lee.Sherman@cfpb.gov; HaiBinh.Nguyen@cfpb.gov; Leanne.Hartmann@cfpb.gov; JScott@oag.state.va.us; Franklin.Romeo@ag.ny.gov; jonathan.burke@mass.gov; amina@aminalaw.com; Miriam Cole <MiriamF@vawd.uscourts.gov>; Kelly Anglim <Kelly_Anglim@vawd.uscourts.gov>; Matt Kaminer <Matt_Kaminer@vawd.uscourts.gov>
Subject: Re: Activity in Case 5:21-cv-00016-EKD-JCH Consumer Financial Protection Bureau et al v. Nexus Services, Inc. et al Stipulation

CAUTION - EXTERNAL:

Judge Dillon,

Currently, the Plaintiffs are not requesting a hearing; given evidentiary rules and that most of what Mr. Ajin would testify to would require either (a) speculation, (b) opinion, or (c) be mooted by the stipulation to the amounts, it is unclear what he would present that would be relevant or compelling.

For this reason, Plaintiffs do not believe a hearing on the matter is necessary to determine damages.

Best,

Zachary Lawrence

Lawrence Law Firm PLLC

166 Five Acres Ln

Cold Brook, NY 13324

Tel:(845)633-6518

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On Tue, Aug 15, 2023 at 1:24 PM Elizabeth Dillon <Elizabeth_Dillon@vawd.uscourts.gov> wrote:

Dear Counsel,

I have read the below email you sent to Miriam and reviewed the Stipulation. I understand that defendants believe, given the stipulation, that the court may not find the hearing necessary. I gather, perhaps, that plaintiffs also believe a hearing might not be necessary.

Of course, the court is unaware of the evidence that the parties plan to present tomorrow – except from the information provided in the final exhibit and witness lists following the court’s rulings. I can assume what plaintiffs’ witness will say because I have his declaration, but I do not know what will be elicited in cross-examination. While I have the topics of Mr. Ajin’s expected testimony, I am not aware of the substance of his testimony or what may be elicited in cross-examination.

Thus, in light of the stipulations, **I ask each party to advise the court ASAP if that party is or is not requesting an evidentiary hearing.**

Sincerely,

Elizabeth Dillon



Elizabeth K. Dillon

United States District Judge

United States District Court

Western District of Virginia

Telephone: 540-857-5120

Facsimile: 540-857-5121

210 Franklin Rd. SW, Suite 132

Roanoke, VA 24011

vawd.uscourts.gov

From: Miriam Cole <MiriamF@vawd.uscourts.gov>

Sent: Tuesday, August 15, 2023 1:18 PM

To: Elizabeth Dillon <Elizabeth_Dillon@vawd.uscourts.gov>

Subject: FW: Activity in Case 5:21-cv-00016-EKD-JCH Consumer Financial Protection Bureau et al v. Nexus Services, Inc. et al Stipulation

From: Sherman, Lee (CFPB) <Lee.Sherman@cfpb.gov>

Sent: Tuesday, August 15, 2023 12:37 PM

To: Miriam Cole <MiriamF@vawd.uscourts.gov>

Cc: Nguyen, Hai Binh (CFPB) <HaiBinh.Nguyen@cfpb.gov>; Hartmann, Leanne (CFPB) <Leanne.Hartmann@cfpb.gov>; Scott, James E. <JScott@oag.state.va.us>; Romeo, Franklin <Franklin.Romeo@ag.ny.gov>; jonathan.burke@mass.gov; zach@zlawpllc.com; Amina Matheny-Willard <amina@aminalaw.com>

Subject: FW: Activity in Case 5:21-cv-00016-EKD-JCH Consumer Financial Protection Bureau et al v. Nexus Services, Inc. et al Stipulation

CAUTION - EXTERNAL:

Dear Ms. Frazier,

The parties have just filed the attached stipulation regarding evidentiary issues to try to streamline tomorrow's proceeding. In light of this development and the court's prior evidentiary ruling, the parties want to see if Judge Dillon still would like us to appear tomorrow for the hearing and if the same would be required. The parties are prepared to appear, provide oral argument, and answer any questions that the court may have. Defendants believe that given the stipulation of substantive facts relating to a damage determination, the Court may not find the same necessary.

Sincerely,

Lee

Lee Sherman

Senior Litigation Counsel | Office of Enforcement

Mobile: (202) 374-4575

Consumer Financial Protection Bureau
consumerfinance.gov

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From: ecfnoticing@vawd.uscourts.gov <ecfnoticing@vawd.uscourts.gov>
Sent: Tuesday, August 15, 2023 8:59 AM
To: vawd_ecf_nef@vawd.uscourts.gov
Subject: Activity in Case 5:21-cv-00016-EKD-JCH Consumer Financial Protection Bureau et al v. Nexus Services, Inc. et al Stipulation

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U.S. District Court

Western District of Virginia

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Case Name: Consumer Financial Protection Bureau et al v. Nexus Services, Inc. et al
Case Number: [5:21-cv-00016-EKD-JCH](#)
Filer: Consumer Financial Protection Bureau
Document Number: [237](#)

Docket Text:

STIPULATION of all Parties by Consumer Financial Protection Bureau (Sherman, Lee)

5:21-cv-00016-EKD-JCH Notice has been electronically mailed to:

Amina Matheny-Willard amina@aminalaw.com

David Benjamin Irvin dirvin@oag.state.va.us

Franklin Romeo franklin.romeo@ag.ny.gov

Hai Binh Thi Nguyen haibinh.nguyen@cfpb.gov, CFPB_CourtDocs@cfpb.gov, leanne.hartmann@cfpb.gov, roshonda.gonsalves@cfpb.gov

James Edward Scott jscott@oag.state.va.us

Jane Melissa Azia jane.azia@ag.ny.gov

Jonathan T. Burke jonathan.burke@mass.gov

Kara Kathleen Miller kara.miller@cfpb.gov

Laura Levine laura.levine@ag.ny.gov

Leanne E. Hartmann leanne.hartmann@cfpb.gov

Lee Sherman lee.sherman@cfpb.gov

Richard S. Schweiker , Jr rschweiker@oag.state.va.us

Stephanie Garlock stephanie.garlock@cfpb.gov, cfpb_litigation@cfpb.gov

Zachary Lawrence zach@zlawpllc.com

5:21-cv-00016-EKD-JCH Notice has been delivered by other means to:

David B. Briggman
7556 Mountain Valley Road
Keezletown, VA 22832

The following document(s) are associated with this transaction:

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